

Fort Norfolk, 803 Front Street Norfolk, Virginia 23510-1096

DEPARTMENT OF THE ARMY PERMIT

<u>Permittee</u>: Commander 633d Air Base Wing

JBLE-Langley (DLA Fuel Pier Facility)

Permit No.: NAO-2013-0591 (VMRC 14-0777)

Issuing Office: U.S. Army Corps of Engineers Norfolk District Regulatory Branch

(CENAO-WR-R)

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

Project Description:

Commander 633d Air Base Wing, Joint Base Langley-Eustis (JBLE-Langley) is authorized to remove an aging and structurally deficient wooden fueling pier and replace it with a concrete fuel pier, fender piles and mooring dolphin that will be located approximately 175 feet south of the existing wooden pier. The facility will include a boat ramp for emergency river access, the only action that constitutes a 404 discharge. The combined length of the proposed concrete pier and dolphin will be approximately 857 feet.

JBLE-Langley is authorized a combination of maintenance and new work mechanical dredging, for a total of 65,000 cubic yards of dredged material. The proposed berthing area adjacent to the pier will be approximately 54 ft wide and 50 ft long. The berthing area will be mechanically dredged to a maximum depth of -15 ft mean lower low water (MLLW), based on a required depth of 12 ft MLLW, with 2 ft allowable overdepth, and advanced 1 ft overdepth to support current and planned future use by vessels with 10 ft drafts. A 450 ft dredged turning basin for the fuel pier is also authorized to be mechanically dredged as part of the project. In order to ensure permit compliance, if you

contract for this work, the terms of the agreement should specify that the permitted depths cannot be exceeded. The only way to legally dredge deeper is to apply for, and be granted, a permit modification <u>before</u> the dredging occurs. Both you and your contractor may be subject to substantial fines and penalties for a permit violation.

You must provide to the Corps, within 60 days of completion of the dredging, an after-dredge hydrographic survey, prepared by a state-certified engineer or surveyor.

JBLE-Langley is authorized to transport dredged material to the Norfolk Ocean Disposal Site (NODS), located approximately 17 miles east of Cape Henry until April 22, 2017. Use of the NODS after April 22, 2017 will require further evaluation of the proposed dredged material.

JBLE-Langley is not authorized to dredge by hydraulic means. JBLE-Langley must submit a permit modification request, or new permit application, if there is any future proposal for hydraulic dredging.

Project Location:

The fuel facility is located at JBLE-Langley in Hampton, Virginia on the Back River.

The NODS is located in the Atlantic Ocean approximately 17 miles east of Cape Henry. The center point coordinate of the NODS is latitude 36°59'00" North and longitude 75°39'00" West.

Project Specific Conditions:

- 1. Prior to the commencement of any work authorized by this permit, you shall advise the project manager, John Evans, by email to <u>john.d.evans@usace.army.mil</u> or in writing at: Norfolk District, Corps of Engineers, Regulatory Branch, Attn: NAO-2003-3339, 803 Front Street, Norfolk VA 23510, of the time the authorized activity will commence and the name and telephone number of all contractors or other persons performing the work. A copy of this permit and drawings must be provided to the contractor and made available to any regulatory representative during an inspection of the project site.
- 2. In accordance with the Water Resources Development Act of 1992 amendments to Marine Protection Research and Sanctuaries Act (MPRSA), disposal activities must be conducted in accordance with the Norfolk Ocean Disposal Site Management and Monitoring Plan (SMMP) including the following:
 - Disposal will occur within boundaries of the site and at least 100 meters (300 ft.) from the perimeter of the disposal site:

- For this particular project, disposal will occur only within the coordinates and boundaries provided by the Norfolk Army Corps;
- The disposal site shall be surveyed before and after the project to ensure proper placement of materials and compliance with Norfolk Ocean Disposal site conditions;
- Each disposal vessel will have an Electronic Tracking System and the Norfolk Army Corps will maintain all data associated with the project; and
- The Norfolk Army Corps will provide EPA with a disposal summary report following completion of the project.
- 3. You are authorized maintenance dredging for 10 years, as long as the dredged material is placed in a Corps approved upland site or Corps approved confined placement site; or ocean disposal as may be approved and as conditioned by EPA pursuant to Section 103 of the MPRSA. This maintenance dredging authorization expires September 30, 2024. You must advise this office in writing, at least 4 weeks before you start maintenance dredging activities under the authority of this permit. If you desire to continue maintenance dredging beyond the expiration date, you must request a new permit. You should apply for a new permit 6 months before you wish to do maintenance dredging.
- 4. The time limit for completing the work authorized ends on April 22, 2017. Should you be unable to complete the authorized activity in the time limit provided, you must submit your request for a time extension to this office for consideration at least 3 months before the permit expiration date and it will require re-coordination with EPA for any continued use of the NODS.
- 5. Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the permit terms and conditions.

Special Conditions:

All project specific conditions listed above are special conditions of this permit.

- 1. No discharge of dredged or fill material may consist of unsuitable material (e.g.: trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
- 2. The construction or work authorized by this permit will be conducted in a manner so as to minimize any degradation of water quality and/or damage to aquatic life. Also,

- you will employ measures to prevent or control spills of fuels or lubricants from entering the waterway.
- 3. Failure to comply with the terms and conditions of this permit can result in enforcement actions against the permittee and/or contractor.
- 4. In granting an authorization pursuant to this permit, the Norfolk District has relied on the information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.
- 5. All dredging and/or filling will be done so as to minimize disturbance of the bottom or turbidity increases in the water which tend to degrade water quality and damage aguatic life.
- 6. Your use of the permitted activity must not interfere with the public's right to reasonable navigation on all navigable waters of the United States.

General Conditions:

- 1. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 3 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 2. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- 3. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 4. If a conditioned water-quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

- 5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
- 6. The permittee understands and agrees that if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required upon due notice from the Corps of Engineers to remove, relocate or alter the structural work or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Further Information:

- 1. Limits of this authorization:
 - a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
- 2. <u>Limits of Federal Liability</u>: In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension or revocation of this permit.
- Reliance on Applicant's Data: The determination of this office that issuance of this
 permit is not contrary to the public interest was made in reliance on the information
 you provided.
- 4. <u>Reevaluation of Permit Decision</u>: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete or inaccurate (See 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

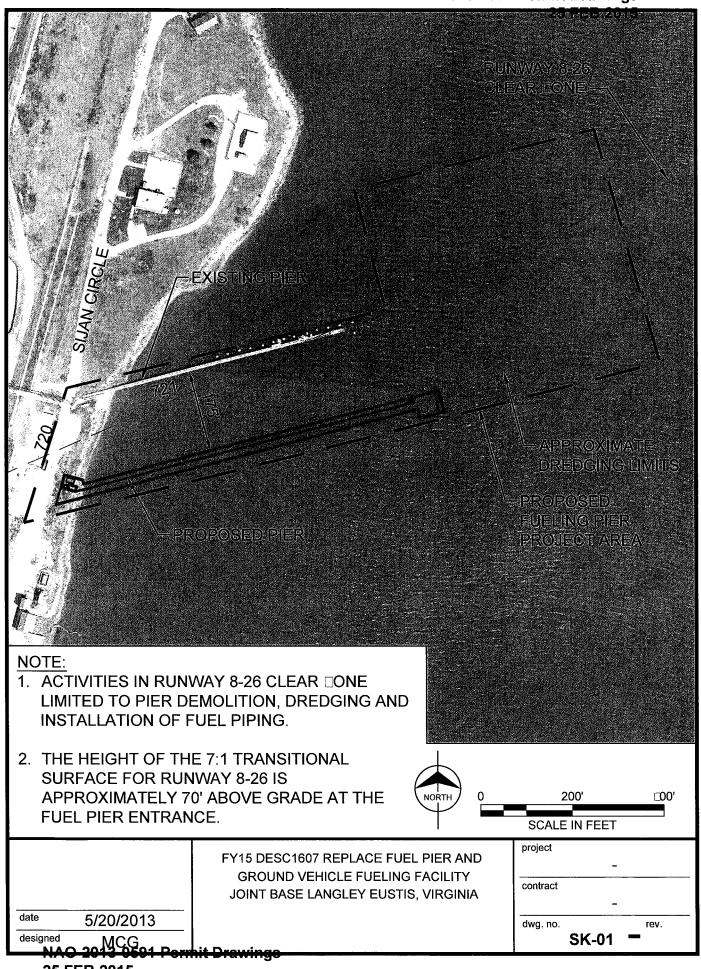
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions: Project Specific Condition #4 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit, with concurrence from EPA for ocean disposal, and with the exception that maintenance dredging cannot be authorized for greater than a 10-year period.

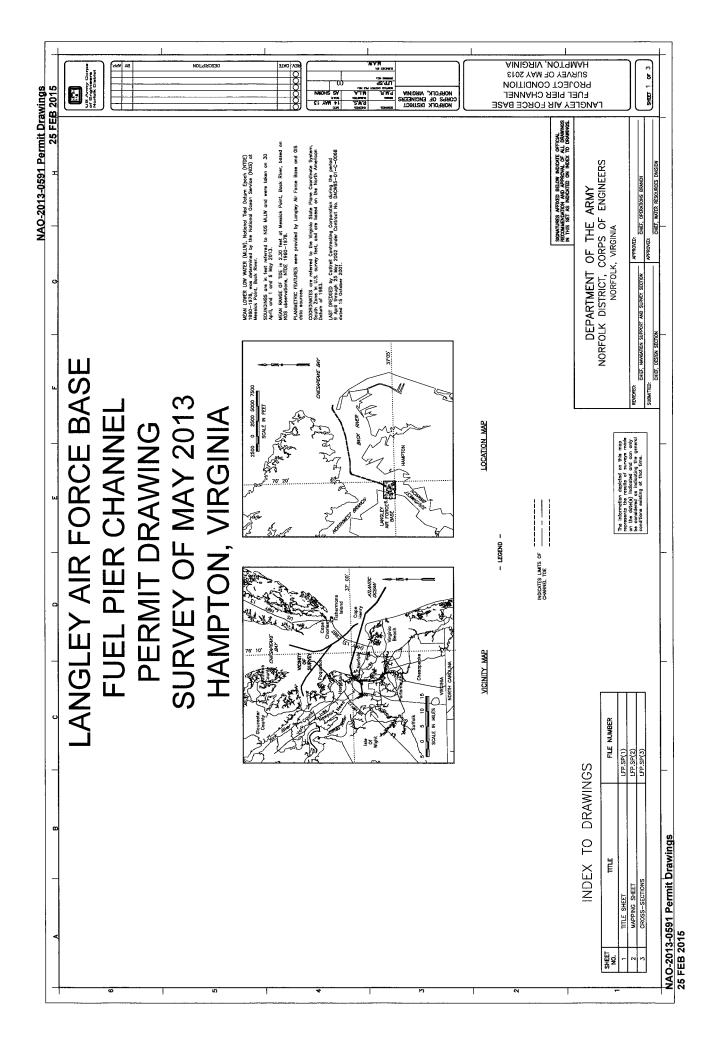
Your signature below, as a permittee, indicates that you accept and agree to comply with the terms and conditions of this permit. MILLER.CAROLIN MILLER.CAROLINE M.1155078711 Dis. csul3, osul.3, Government, our-bot ou CAROLINE M. MILLER, Colonel, USAF Commander 21 July 2015 (Date) This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below. Jason E. Kelly, PMP Colonel, U.S. Army Commanding 24 Jul 15 (Date) When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. (Transferee)

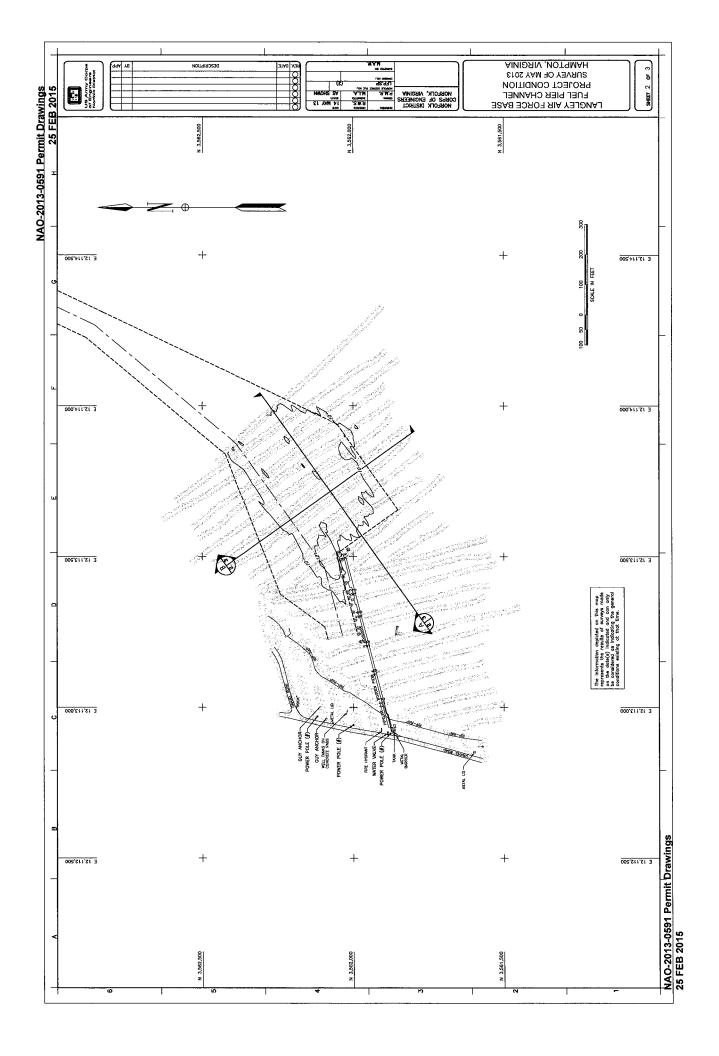
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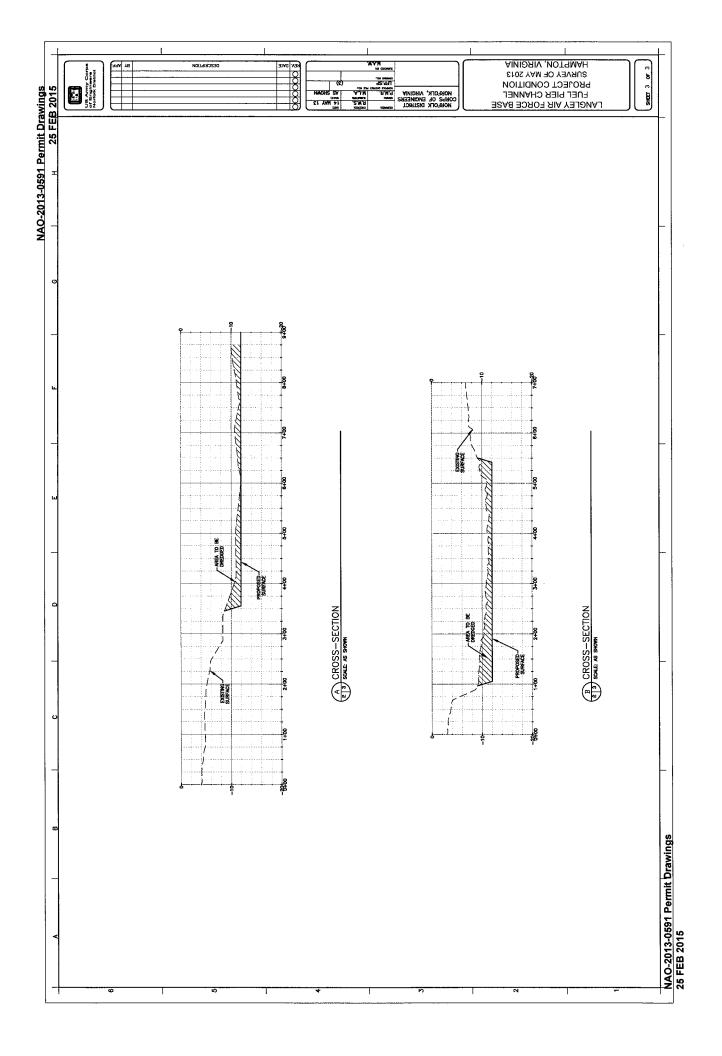
NAO-2013-0591 Permit Drawings

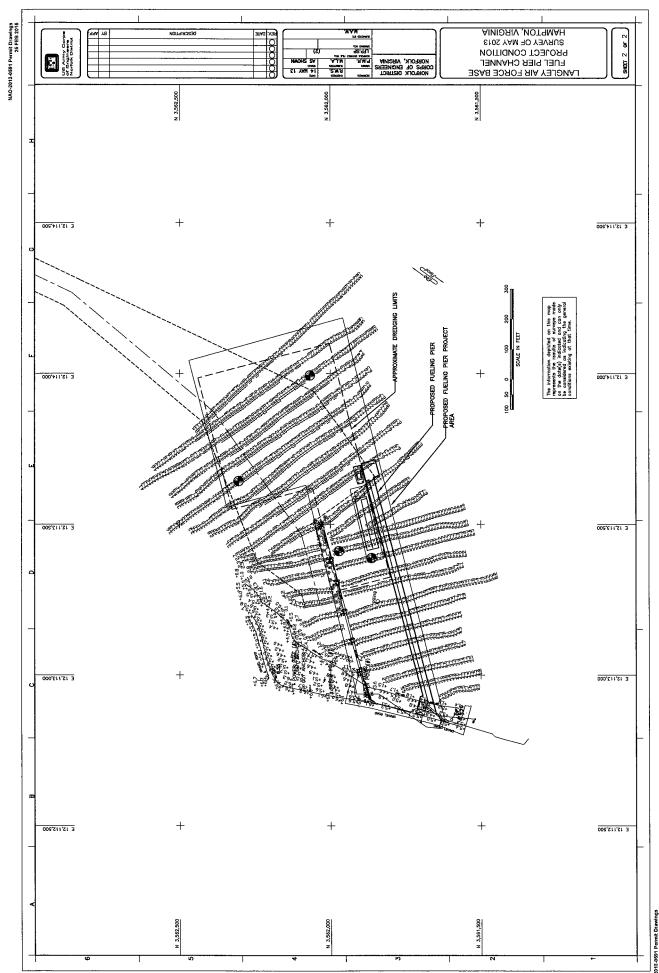


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